

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL L. GISEWHITE,	:	CIVIL ACTION NO. 1:06-CV-0424
	:	
Petitioner	:	(Judge Conner)
	:	
v.	:	
	:	
LSCI-ALLENWOOD, WARDEN MINER,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 15th day of March 2006, upon consideration of the application to proceed *in forma pauperis* (Doc. 2), and upon preliminary review of the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 (Doc. 1), see R. GOVERNING § 2254 CASES R.1(b) (applicable to petitions under 28 U.S.C. § 2241 in the discretion of the court), in which petitioner avers that respondent must calculate good-time credit based upon the sentence imposed rather than the amount of time served on the sentence, and it appearing that the Court of Appeals for the Third Circuit has resolved the issue and has held contrary to petitioner's argument, see O'Donald v. Johns, 402 F.3d 172, 174 (3d Cir. 2005),¹ it is hereby ORDERED that:

¹ See also, Moreland v. Federal Bureau of Prisons, 431 F.3d 180 (5th Cir. 2005); Sash v. Zenk, 428 F.3d 132 (2d Cir. 2005); Brown v. McFadden, 416 F.3d 1271 (11th Cir. 2005); Perez-Olivio Chavez, 394 F.3d 45, 49 (1st Cir. 2005); White v. Scibana, 390 F.3d 997 (7th Cir. 2004); Brown v. Hemingway, 53 Fed. Appx. 338, 339 (6th Cir. 2002); Pacheco-Comacho v. Hood, 272 F.3d 1266 (9th Cir. 2001).

1. The application to proceed *in forma pauperis* (Doc. 2) is GRANTED.
2. The petition for writ of habeas corpus (Doc. 1) is DENIED. O'Donald v. Johns, 402 F.3d 172, 174 (3d Cir. 2005).
3. A certificate of appealability is DENIED.
4. The Clerk of Court is directed to CLOSE this case.

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge